

DELORIS A. GIBSON,  
Plaintiff,  
vs.  
CAROLYN W. COLVIN,  
Defendant.

## ORDER

## I. LEGAL STANDARD

In order to practice in the District of Nevada, an attorney must be “admitted to practice before the Supreme Court of Nevada.” L.R. IA 11-1(a). Alternatively, out-of-state attorneys not admitted to practice law in this District may move for admission to practice in a particular

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1 case *pro hac vice* pursuant to certain requirements imposed by Local Rule IA 11-2. Pursuant to  
 2 this rule, a petitioner must, *inter alia*, (1) attest that “the attorney is a member in good standing  
 3 of the court or courts” to which the attorney has been admitted to practice; (2) “associate a  
 4 resident member of the bar of this court as co-counsel”; and (3) pay the appropriate fee. L.R. IA  
 5 11-2(b). Upon receipt of the verified petition, “[t]he court may grant or deny a petition to  
 6 practice.” *Id.* 11-2(h).

7 Although courts commonly permit out-of-state lawyers to appear *pro hac vice*, such  
 8 practice is guaranteed neither by statute nor by the Constitution. *See e.g., Leis v. Flynt*, 439  
 9 U.S. 438, 443 (1979) (per curiam) (“[T]he Constitution does not require that because a lawyer  
 10 has been admitted to the bar of one State, he or she must be allowed to practice in another.”).  
 11 The Supreme Court has observed that “in many District Courts, the decision on whether to  
 12 grant *pro hac vice* status to an out-of-state attorney is purely discretionary.” *Frazier v. Heebe*,  
 13 482 U.S. 641, 651 n.13 (1987).

## 14 **II. DISCUSSION**

15 According to Local Rule IA 11-2(h), “[i]t is presumed in civil and criminal cases that  
 16 more than 5 appearances by any attorney granted under this rule in a 3-year period is excessive  
 17 use of this rule.” L.R. IA 11-2(h)(1). To exceed this limitation, “[t]he attorney has the burden  
 18 to establish special circumstances and good cause.” *Id.* 11-2(h)(2). In his Verified Petition,  
 19 Olinsky seeks what would be his eighth appearance in the District of Nevada in less than two  
 20 years. (*See* Verified Pet. at 6, ECF No. 15) (listing Olinsky’s seven appearances in this District  
 21 since February 6, 2015). The Court therefore presumes the Verified Petition constitutes  
 22 excessive use of the Local Rules, and Olinsky must establish “special circumstances and good  
 23 cause” to overcome this presumption. *See* L.R. IA 11-2(h)(1)–(2).

24 To make the required showing, Olinsky asserts that his “appearance is required . . . to  
 25 represent claimants who have been denied Social Security disability benefits.” (Olinsky Aff.

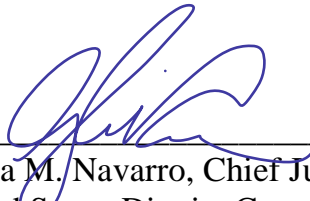
¶ 4, ECF No. 15-1). According to Olinsky, these claimants have “a severely limited 60-day period in which to secure qualified counsel and initiate litigation or their cause of action becomes untimely and subject to dismissal.” (*Id.*). Further, Olinsky states that his “non-resident status . . . enhances this Court’s ability to adjudicate these appeals because of the experience that [Olinsky’s law firm] bring[s] to bear in preparing appeals for claimants.” (*Id.* ¶ 6).

The Court concludes that Olinsky’s explanation falls short of demonstrating “special circumstances and good cause” justifying an additional appearance in this District in excess of the Local Rules. Indeed, Olinsky’s reasoning applies equally to all social security appeals and in no way explains why this specific appeal requires his particular representation. Because the Court determines that Olinsky’s serial appearances in this District amount to a regular practice in Nevada in subversion of the Local Rules, the Verified Petition is denied.

### **III. CONCLUSION**

**IT IS HEREBY ORDERED** that Olinsky’s Verified Petition, (ECF Nos. 6, 15), is **DENIED**.

**DATED** this 1 day of November, 2016.

  
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Gloria M. Navarro, Chief Judge  
United States District Court